App.F.IX.4]

1927

File No. 375-17

Previous References.

Mily 154-17 (1-14) (Mily) - Legis

Serial Nos. notes.

Later references.

Mily. 174-39, (1-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

18

Part B for Nonfinancial cases.

SUBJECT

Amendment of section 62 of the Indian Forest Military Regulation

Filed

Manaswamy Iyengar
19/11/25

G. R. S. III—1] 191 7

GENERAL AND REVENUE SECRETARIAT.

Legis)

NOTES

P.R. Mil-154-17

File No. 32-1

HEADING.

Amendment of the Mysore Military Regulation in the addition to Para 85-A to the Regn

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-15

WD·1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legs File No. 37 of 1917.

Serial No.

InR 1263-17 Gf 20-2-18

Extract from the notes of Khan H.H. the Extraordinary member of Council in mily file no. 154-17.

"A provision similar to section 397 Cr. P.C. may perhaps be introduced into the Military Regulation. This may be considered separately"

Initd. K.N.R.W. 12.2.18.

Council matter (App B. VIII under note to clause 2)

Submitted.

QRR. VS 20.2.18

2. To Br III for favour of action.

U 21/2/18

3. The refce file mily 154-17 is taken for d.no 6833 of Br V.

QRR 24/2/18

4. Subd. with a draft Bill. This Bill is outside the consideration of

J this 1211-17 file no

NOTE—Contn. sheet

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 37 of 191 7.

Serial No.

the Legislative Council

21/3/18

5. Please submit the original file

6. To Sh V to kindly put up the original file. Mily 154-17

23/3/18 23/3/18

7. The file is put up herewith. May be sent to Br III as desired by them.

25/3 26/3/18

Sub.

1/4/18

8. Remd. with an alternative draft as orally ordered.

2/4/18

9. Please put up typed copies

10. The existing Military Regulation is based on the Ind Army Articles of War, and Section 62 is practically identical with Article 140 of the Ind Army Act V of 1869. The law in British India was changed when the Army Act of 1911 was passed. The Select Committee appointed to consider the Army Bill

Mily 1425-17

Mily 9.

GENERAL 25 MAR 1918

NOTE—Contn. sheet.

ND 1203—GPB—60,000—1-12-16—S

4

General and Revenue Secretariat. | Legis File No. 37 of 1917.

ial No.

stated on this point was: "we consider that a provision on the lines of a similar provision in the Army Act should be inserted in the Bill to give authority for the present practice regarding the commencement of a term of imprisonment or transportation awarded by a Court Martial and we have inserted a new clause with this object after clause 106 (now 105) of the Bill." Thus it is clear that the practice prevailing in British India was as mentioned in s. 106 of the Army Act of 1911, viz. that of provision in the Articles of War as in our Military Regulations, and that practice is in accordance with the provisions of the British ~~Act~~ Army Act. The Section as introduced in British India runs thus: "Whenever any person is sentenced under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been varied or not, be reckoned to commence on the day on which the original proceedings were signed by the President or in the case of a Summary Court Martial, by the Court."[a]

11. We, therefore, a point for orders whether, bringing our law into harmony with that prevailing in British India and England, a provision similar to the

NOTE—Contn. sheet.

9 Bis 1211

WD 1233—GPB—60,000—1-12-16—S. 5

5

G. R. S. III-2]

General and Revenue Secretariat.

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above one may be introduced here or whether a provision similar to that in the Criminal Procedure Code may be introduced.

12. Being a measure relating to the Indian Military Forces, the Same cannot be considered by the Legislative Council and do need not be placed before it.

13. Submitted for favour of orders.

5/4

His Excellency the Hon'ble Member

14. The Chief Commandant may be asked to favour Government with his opinion as regards the proposed amendment in consultation with the Inspecting Officer.

13.4.18.

15. Forwarded unofficially with compliments to the Chief Commandant for favour of opinion.

By order
Secretary to Govt.

16/4

G.O. No. J 23-17
dy 17.4.18.
Rec'd 18/4/18
GPB.

NOTE—Contn. sheet.

qvin 1211

ND 1283—GPB—60,000—1-12-16—S.

6

G. R. S. III-2]

General and Revenue Secretariat. | File No. 37 of 1917.

Serial No. 16

W. 10904
one file 2 books

04479

The Inspecting Officer who was consulted in the matter is of opinion that the alternative draft substituting a fresh para for whole of para 62 is the better one.

17. I agree with him and this amendment may be adopted.

GEN. & REV. SECRETARIAT
III
17 JUN 1918
GEN. & REV. SECRETARIAT
III
JUDICIAL
1- JUN 1918

Bangalore
30th May 1918

Colonel.
Chief Commandant,
Mysore State Troops

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 37 of 191).

Serial No.

18. Subd.

4/6/18

19. Submitted for favour of orders with reference to the note in para 11 above.

3. 4/6

Extraordinary Member } Draft substituting a new section for section 62 of the Regulation, the same as that agreed to by the Chief Commandant and the Inspecting officer, is appd by His Highness.

6. 6. 18. Dlll

The case may be disposed of by Circulation

Dewan

7/6/18

Yes

6.8.18. Dlll

Circulate

7/8

alternative

The Draft recommended by the C.C. & the I.O. & approved by the Extraordinary Member, may be accepted.

Dlll 19.8.18

Read in the Dewan's Office on 13.7.18

Circulation Book 266 13.7.18

NOTE—Contn. sheet.

GENERAL AND REVENUE SECRETARIAT.

D. O. NO.

Bangalore, Dated.....191....

10.7.19

Dear Mr. Mylar R

I am desired to return herewith the file re. amending Section 62 of the Mysore Military Regulation 1899 and to state as follows :-

The proviso to the new Section 62 in the draft bill approved by the Extraordinary Member of Council had been intended to be - omitted as the Indian Army Act, 1911, does not contain any such provision, (vide Section 106) though there is such a provision in the Code of Criminal procedure, (Vide Section 397). But it is now observed that the pencil mark placed against the proviso denoting its omission has been erased. I am therefore to enquire whether it is the intention of His Highness the Extraordinary Member that the proviso should stand notwithstanding the fact that the Indian Army Act, 1911, does not contain such a proviso.

I am to request you to kindly return the file early with -- clear instructions in the point.

Yours sincerely,

E Sanniva...

Legislative Dept.
No. 69
1917

4

CHAMUNDI VIHAR,
MYSORE.

Dated 11th July 1918.

D. O. No. 69
with file Legis 37-17
(with its enclosures)

Dear Mr. Srinivasa Iyer,

Legislative File No.37 of 1917-18 about the amendment of section 62 of the Mysore Military Regulation sent with your D.O. enquiring whether it is the intention of His Highness the Yuvaraja that the proviso in the draft approved by him should stand is returned herewith. His Highness understands that the alternative draft recommended by the Chief Commandant and the Inspecting Officer is inclusive of the proviso and His Highness' intention is that the proviso should stand. Otherwise it would have been struck off.

Yours sincerely,
K. Nijalingappa

G. Srinivasa Iyer, Esq., B.A.,M.L.,
Assistant Secretary to Government,
Bangalore.

8

(For Disposal by Circulation)

No. C. 883

17/8/ 1918.

GENERAL AND REVENUE SECRETARIAT

COUNCIL MATTER.

SUBJECT.

Amendment of the Mysore Military Regulation by substituting a new section for Section 62.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram

10th August 1918.

Chief Secretary to Government.

Extraordinary Member of Council.

8414/20/8 **First Member of Council.** I agree 20/8/18

141. 21.8.18. **Second Member of Council.** 21/8/18

154-20 17.8.18 **Extra Member of Council.** Opinion recorded 19.8.18

WD 2670—GPB—1,000—11-5-17

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 37 of 1917.

Serial No.

Subd. with a d. f. n. ~~A~~
A statement of objects and reasons is also put up.

23/8/18

use pulrup typed

draft as revised

24/8

Subd. with typed drafts.

27/8

In favour of approval

27/8

First Member

28.8.18

988/29.8

Jail bail note signed by First Member is put up

29/8/18

D. S. N. submitted

Dewan

29/8/18

2 pm

29/8

180/2/9/18

NOTE—Contn. sheet.

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* amendment of paragraph 62 of the Mysore Military Regulation, 1899, *for His Highness' gracious approval.*

M. Krishnaraja
Dewan.
9th Sep. 1918.

C.883. 14

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Amendment of paragraph 62 of the Mysore Military Regulation of 1899.

Order.

10.9.18.

Chief Secretary
11.9.18.

HD 15-9

1196/1419

14/9

379.
11.9.18.

757-27
17.9.18.

17.9.18.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat

Legis File No. 37 of 191 7.

Serial No.

S&W. with a draft to the Residency. It is a question for consideration whether this may not be communicated to the Residency along with the other amendments about paragraph 93 of the Military Regns, draft of which has been ordered to be submitted by H. H. the Yuvaraja to be submitted. Otherwise the Residency will have to be approached twice in respect of the amendments of the same Regns at very short interval. If approved, I shall keep ready 60 copies. The other Bills will be ready for despatch & the Regns in 600 days. We have been using this Regn instead of 3, which should be done.

GS 29/8

Concurred. Yes. but please expedite the other file.

28/8/17

Amendments paragraph 68 of the Regulation included in the drafts put up on the main file Legis 28-8-17

B

NOTE—Contn. sheet.

18/9/17

16

STATEMENT OF OBJECTS AND REASONS.

Paragraph 62 of the Mysore Military Regulation while directing that whenever a sentence of imprisonment is awarded by a Court Martial to an officer already unde sentence of imprisonment for a limited ter the Court may award imprisonment to commen ce on the expiration of such previous sentence, is silent as to when such second sentence should be taken to commence if the court makes no such order.

It is therefore considered desirable to amend the Regulation so as to provide that all sentences of imprisonment awarded by a Court Martial shall commence on the day on which the original proceedings were signed by the Court provided that the Court while awarding the sentence may direct that it shall commence after the expiry of a previous sentence already awarded to the prisoner. The Bill has accordingly been ~~proposed~~ prepared.

18.8.18

Alternative Draft.

17

Bill further to amend the Mysore Military Regulation, 1899.

Whereas it is expedient further to amend the Mysore Military Regulation, 1899; His Highness the Maharaja is pleased to enact as follows:-

Amendment of ~~Section~~ paragraph 62 of the Regulation.

For ~~section~~ paragraph 62 of the Regulation the following new ~~section~~ paragraph shall be substituted.

"62. Whenever ~~a~~ any person is sentenced under this Regulation to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed ~~by the President or in the case of a summary court-martial~~ by the court.

Provided that whenever a sentence of imprisonment is awarded by a court-martial to an offender already under sentence of imprisonment for a limited term, the court may award imprisonment to commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit ~~awarded~~ awardable for any particular offence".

6.8.18.

CP.

Bill further to amend the Mysore Military Regulation, 1899.

Whereas it is expedient further to amend the Mysore Military Regulation, 1899; His Highness the Maharaja is -- pleased to enact as follows:-

Amendment of paragraph 62

In paragraph 62 for the words "the court may award imprisonment to commence on the expiration of such previous sentance notwithstanding that the aggregate of the terms of imprisonment may exceed the limit ~~awarded~~ awardable for any particular offence", the words "such imprisonment shall commence at the expiration of the imprisonment to which he has been previously sentenced" shall be ~~submitted~~ substituted.